GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition and Excise Department –W.P.No.19713/2020 before Hon'ble High Court of A.P- Allegation of Criminal Misconduct and Criminal Conspiracy against Sri Y.B.Bhaskar Rao, former P&E Superintendent, Kothagudem, Khammam District and retired as Dy.Commr., P&E Dept., Vizianagaram – Retired on 30.06.2020 – Request for Sanction of Earned Leave – Sanction Orders - Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.RT.No. 398 **Dated: 07-07-2021.**

Read the following:-

1. From the Prl. Secy., Revenue (Vig.II) Department, Telangana State Secretariat, Hyderabad Letter No.12888/Vig.II(2)-13, dated 19.01.2019 along with its enclosures.
2. Govt. Memo. No.12888/Vig.V(2)/2012-1, dt. 16.01.2013.
3. G.O.Rt.No.695, Revenue (Vig.V) Department, dated 24.05.2013.
4. G.O.Ms.No.60 Rev(Vig.II) Dept., dated 04.04.2016 of Government of Telangana.
5. G.O.Rt.No.310 Rev (Vig.II) Deptt., Dt.04.07.2016 of Government of Telangana.
6. Govt.Memo.No.CPE0CPE(ACBC)/3/2019-VIG-IV-REV, dated 13-06-2019.
7. From the Commissioner, Prohibition & Excise, A.P., Vijayawada Letter No.CR.No.4910/2020/CPE/A1 dated 24.11.202
8. G.O.Rt.No.953, Revenue (Vig.IV) Department, dt.15.12.2020.
9. From the Hon'ble High Court , Order dated:22.10.2020 in W.P.No.19713/2020.

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ORDER :

In the reference 1st cited, the Principal Secretary, Rev.(Vig.II) Dept., Government of Telangana have communicated a Inquiry report along with relevant material to the Government of Andhra Pradesh in respect of Sri Y.B.Bhaskar Rao, Former Prohibition & Excise Superintendent, Kothagudem for taking further necessary action in the matter, as he was allotted to Government of Andhra Pradesh as per Order.No.28(6)/2016, Dt.16.03.2016 issued by the Ministry of Personnel, and Pensions. The details of the case are that Anti Corruption Bureau authorities have registered a case of misconduct under the Prevention of Corruption Act, 1988 against Sri Y.B.Bhaskar Rao, while he was working as Prohibition & Excise Superintendent at Kothagudem, Khammam district along with the other Prohibition and Excise officials. The allegations are that the Prohibition and Excise Staff of Kothagudem, Khammam District, after completion of tender process, added certain names of other persons (viz., names of Tribales and Non-Tribals) besides the names of successful bidders by manipulating the documents and issued license by misusing their official position violating the Excise act and Rules. The Anti Corruption Bureau Authorities in their report have recommended to prosecute the Accused Officer-1 Sri Y.B. Bhaskar Rao, Assistant Commissioner and former Prohibition & Excise Superintendent, Kothagudem Khammam District in the court of law. However, after following due procedure and obtaining orders from the competent authority, he was placed on his defence before Commissioner of Inquiries and requested the Director General, Anti Corruption Bureau to furnish Article of Charges in the reference.2nd cited. In the reference. 3rd cited, the Article of charges were framed against him and directed him to submit his Written Statement of Defence. He has submitted his Written Statement of Defence and as it was not convincing, the Telangana Government have initiated common disciplinary proceedings against him along with others under Rule 24 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 in the reference 4th cited. Sri C.Sammi Reddy, Commissioner of Inquiries, Telangana State, General Administration (COI.AS) Department was appointed as Inquiring Authority to conduct inquiry into the charges against him along with other Prohibition & Excise officials in the reference.5th cited. The Inquiry Authority has submitted his inquiry report to the Telanagana Government, in which charges against him held proved.

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2. In the reference 6th cited, a copy of the Inquiry report was communicated to him and directed him submit his written representation, if any, within 15 days from the date of receipt of the copy of the Inquiry report. He has submitted his representation and stated among the other things that as per the State Re-Organization Act, he was allotted to State of Andhra Pradesh and presently working as Deputy Commissioner, Prohibition & Excise Department in Andhra Pradesh and hence raised legal objections for appointment of Inquiry Authority by the Government of Telangana and issuing orders for conducting joint enquiry against him (who is allotted to A.P.) among other (7) ofcers (who are allotted to State of Telangana) and conducting of inquiry by the IA and submit IA report to the Government of Andhra Pradesh. Since the event of misconduct occurred in 2013 in the erstwhile State of Andhra Pradesh, the progress of the case till bifurcation was dealt by the Government of Erstwhile Andhra Pradesh, the Accused has submitted his Written Statement of Defence and has not made any objection on the appointment of Inquiry Authority by the Government of Telangana, cooperated with the Inquiry, it was decided to accept the recommendations of the Inquiry report. Later, he has approached High Court in the matter and the progress of the case was stopped due to stay orders. The Hon'ble High Court of Andhra Pradesh in its orders dated 07.01.2020 in I.A No.1/2020 in W.P.No. 189/2020 has passed the following orders:

> "As the State of Telangana ceased to have jurisdiction to initiate proceedings against the petitioner, prima-facie enquiry conducted by the State of Telangana does not have any legs to stand. In view of the same, there shall be stay of all proceedings pursuant to the Government Memos dated 18.06.2019 and 22.08.2019, pending disposal of the writ petition."

3. While the matter stood thus, he has fled another W.P.No.19713/2020 before Hon'ble High Court of Andhra Pradesh with a prayer to direct the respondent to pay the encashment of earned leave amount along with 80% retirement gratuity to the petitioner pending enquiry on the charges framed in G.O.Rt.No.540, Rev (Vig-IV) Dept., dated 23.06.2020, pending disposal of the W.P.No.189/2020 in terms of G.O.Ms.No.1097, Fin. & Plg. (FW.Pen-I) dept., dated:22.06.2020. The Hon'ble High Court in its Order dated:22.10.2020 in W.P.No.19713/2020 has passed the following orders (Operative portion):-

> "the respondents shall pay the petitioner the amount due on account of encashment of earned leave within a period of six (6) weeks from the date of receipt of copy of this order. As per payment of 80% gratuity is concerned, the same can be decided, after instruction are obtained by learned Government Pleader as to whether such payment can be made out or not".

4. Whereas, while enclosing the above orders of the Hon'ble High Court, he has informed that he was retired from service on superannuation w.e.f 30.06.2020 and he has represented for encashment of earned leave as a part of his retirement benefits.

5. And Whereas, the Commissioner of Prohibition and Excise in his letter vide ref. 7th cited, has requested the Government to issue necessary orders regarding payment of Encashment of Earned Leave to the petitioner in view of the Hon'ble High Court orders, at an early date.

6. And Whereas, Government have accorded sanction for provisional pension @ 75% (seventy five percent only) of normal pension entitled under Rule 52 of Andhra Pradesh Revised Pension Rules, 1980 to him, as he was retired on 30.06.2020, pending finalization of disciplinary proceedings initiated against him vide reference 8th cited. However, the payment of Death-cum-Retirement Gratuity and other pensionary benefits admissible to the above Retired Officer shall be kept in abeyance till the final orders issued in disciplinary proceedings pending against him as per existing rules.

Contd.,3

7. Government after careful examination of the entire matter, therefore, decided to implement the orders dt.22.10.2020 in W.P.No.19713/2020 passed by the Hon'ble High Court relating to sanction of Earned Leave and hereby accord sanction for encashment of Earned Leave to Sri Y.B.Bhaskar Rao, retired Deputy Commissioner, Prohibition & Excise Department, Vizianagaram.

8. The Commissioner of Prohibition and Excise shall take further necessary action accordingly and furnish compliance report.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT (CT, EXCISE & R&S)

To
The individual through the Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.

Copy to:
The Commissioner, Prohibition and Excise Department, Andhra Pradesh, Vijayawada.
The Government Pleader for Services, High Court of Andhra Pradesh at Amaravati.
The Director General, Anti-Corruption Bureau, A.P., Vijayawada.
The Secretary to Vigilance Commissioner, Andhra Pradesh Vigilance Commission, A.P.Secretariat, Velagapudi..
Sc/Sf.

//FORWARDED :: BY ORDER//

SECTION OFFICER